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HOUSE BILL 1234

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO WATER; REQUIRING ENTITIES THAT ARE ALLOWED TO ACQUIRE AND HOLD UNUSED WATER RIGHTS FOR UP TO FORTY YEARS TO SUBMIT WATER MANAGEMENT PLANS TO THE STATE ENGINEER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 72-1-9 NMSA 1978 (being Laws 1985, Chapter 198, Section 1, as amended) is amended to read:

"72-1-9. MUNICIPAL, COUNTY, MEMBER-OWNED COMMUNITY WATER SYSTEMS, SCHOOL DISTRICT AND STATE UNIVERSITY WATER DEVELOPMENT PLANS--PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER SUPPLIES.--

A. It is recognized by the state that it promotes the public welfare and the conservation of water within the state for municipalities, counties, school districts, state universities, member-owned community water systems, special

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1 water users' associations and public utilities supplying water
2 to municipalities or counties to plan for the reasonable
3 development and use of water resources. The state further
4 recognizes the state engineer's administrative policy of not
5 allowing municipalities, member-owned community water systems,
6 counties and state universities to acquire and hold unused
7 water rights in an amount greater than their reasonable needs
8 within forty years.

9 B. Municipalities, counties, school districts,
10 state universities, member-owned community water systems,
11 special water users' associations and public utilities
12 supplying water to municipalities or counties shall be
13 allowed a water use planning period not to exceed forty
14 years, and water rights for municipalities, counties, school
15 districts, state universities, member-owned community water
16 systems, special water users' associations and public
17 utilities supplying water to such municipalities or counties
18 shall be based upon a water development plan the
19 implementation of which shall not exceed a forty-year period
20 from the date of the application for an appropriation or a
21 change of place or purpose of use pursuant to a water
22 development plan or for preservation of a municipal, county,
23 school district, member-owned community water system or state
24 university water supply for reasonably projected additional
25 needs within forty years; provided that the municipality,

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1 county, school district, state university, member-owned
2 community water system, special water users' association or
3 public utility supplying water to municipalities or counties
4 submits to the state engineer a water management plan that
5 conforms to the criteria in Subsection C of this section.

6 C. A water management plan submitted to the state
7 engineer pursuant to Subsection B of this section shall
8 contain a description of specific and practical means by
9 which the water supply of the entity may be reconciled with
10 the present and future water demands of the entity, shall be
11 updated every three years and shall include at least the
12 following components:

13 (1) an assessment of existing water demand
14 that includes:

15 (a) surface water diversions by
16 category of use, including residential, commercial,
17 industrial, private institutional, governmental, irrigated
18 agriculture, livestock, mining and power production;

19 (b) ground water depletions by
20 category of use, including residential, commercial,
21 industrial, private institutional, governmental, irrigated
22 agriculture, livestock, mining and power production; and

23 (c) system depletions, including
24 losses due to evaporation and conveyance losses;

25 (2) an assessment of existing water supply

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1 that includes:

2 (a) point of diversion, purpose of
3 use, place of use and priority of the entity's water rights;
4 and

5 (b) quantity of water reused;
6 (3) an assessment of existing return flows
7 approved by the state engineer;

8 (4) an assessment of future water demands
9 over the forty-year planning period that accounts for
10 anticipated system losses and is based on:

11 (a) projected future population, land
12 use and commercial and industrial needs; and

13 (b) projected water demands by
14 category of use, including residential, commercial,
15 industrial, private institutional, governmental, irrigated
16 agriculture, livestock, mining and power production;

17 (5) an assessment of future water supply
18 needs over the forty-year planning period that includes:

19 (a) the general location, purpose of
20 use and priority of water rights of planned acquisitions; and

21 (b) plans for water reuse, if any;

22 (6) a description of proposed management
23 alternatives for balancing demand and supply over the forty-
24 year planning period, which may include:

25 (a) water conservation measures,

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1 including an assessment of the amounts of water saved for
2 each measure, the difficulty and timing of implementation of
3 each measure and any effect on return flows or aquifer
4 recharge;

5 (b) changes to existing works or
6 replacement of existing facilities;

7 (c) the general location, purpose of
8 use and priority of water rights of planned acquisitions;

9 (d) reductions in systems losses;

10 (e) land use changes; and

11 (f) emergency contingency plans;

12 (7) each proposed alternative included in
13 Paragraph (6) of this subsection shall include an evaluation
14 of the following:

15 (a) technical feasibility;

16 (b) political feasibility;

17 (c) social and cultural impacts;

18 (d) financial feasibility;

19 (e) implementation schedule; and

20 (f) physical, hydrological and
21 environmental impacts; and

22 (8) an evaluation of the consistency of the
23 water management plan with the regional water plan.

24 D. Water management plans shall be made public
25 and adopted by the appropriate governing body.

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